IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5377 of 2005

Between:

Mohd.Yousuf Qureshi, s/o Mohd.Saheb Qureshi,
r/o H.No.10-4-771/82/C, Owasipura Masab tank, Hyderabad.

... PETITIONER

AND

1 Municipal Corporation of Hyderabad, through its Commissioner, Office at Domalguda, Hyderabad.
2 Mohd.Zafar, s/o Mohd.Abdul Qayyum,
r/o Premises No.5-7-420/2, Nampally Near Masjid-e-Tek, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to to issue writ of mandamus or any other appropriate writ order or direction declaring the inaction of the respondent No.1 to remove the encroachment and construction made by the respondent no.2 on the road existing on the western side adjoining the petitioner's premises No.5-7-420/1 extent 10' x 10' situated at Nampally, Hyderabad-A.P., and consequently the respondent No.1 may be directed to take action and remove the encroachment and construction made by the respondent No.2 adjoining the petitioner's premises on the road existing on western side in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.MOHD. GHULAM HUSSAIN

Counsel for the Respondent No.1: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the first respondent-Corporation in considering the representations made by the petitioner dated 26-08-2004 and
06-10-2004 complaining about certain unauthorized constructions being made by the second respondent on the road existing on the western side, adjoining the petitioner's premises No.5-7-420/1, situated at Nampally, Hyderabad.

Having heard the learned counsel for the petitioner, the learned standing counsel appearing for the first respondent-Corporation and having regard to the nature of the controversy involved in the writ petition, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent-Corporation to consider the representations of the petitioner dated 26-08-2004 and 06-10-2004 and pass appropriate orders, in accordance with law, after affording due opportunity to the second respondent to rebut the allegations made by the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 17-03-2005

Note: Furnish C.C. by Monday

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Commissioner, Municipal Corporation of Hyderabad, Domalguda, Hyderabad.
2 Two C.D. copies.